

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
) Chapter 7
Debtor.)
_____)

**ORDER APPROVING SALE OF 1630 E. CHOCOLATE AVE, HERSHEY, PA
FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS
PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the motion (Docket No. 416) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known as 1630 E. Chocolate Ave, Hershey, PA (“Property”); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Fulton Bank, N.A. and Bala Jain, LLC have consented to the sale of the Property as set forth herein, free and clear of all liens, claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Bikram Phuyel and Thakur

¹ Having the following legal description:

ALL THAT CERTAIN messuage, tenement and tract of ground, thereon erected a two and one-half story frame

Neopaney (the "Purchaser") for \$265,000.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. The Trustee is authorized to pay the secured claim of Fulton Bank, N.A. in full at closing, including the payment of attorney's fees in the amount of \$25,000 as set forth in the draft ALTA attached hereto as Exhibit A ("ALTA"), and the consent of Fulton Bank, N.A. to the sale is conditioned on such receipt.

4. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$7,950.00 representing his commission under Section 326 of the Bankruptcy Code plus \$13,250.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

5. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

6. The Trustee is authorized to pay a two-and-a-half percent (2.5%) commission to Protus Realty at closing for services rendered in representing the Purchaser in connection with the sale.

7. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

8. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount

dwelling house, situate in Derry Township, Dauphin County, Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the middle of U.S. Route #422; thence by an alley 10 feet wide clear on the east side 183 feet to a corner; thence on the south by land now or late of Raymond Miller et. al, in a westerly direction from the alley, 45 feet, more or less, to a point; thence by land now or late of Raymond Miller et. al, on the west, 180 feet to the middle of the aforesaid public road; thence along the middle of said public road eastwardly 45 feet more or less to a point, the place of BEGINNING.

BEING FURTHER identified as Tax Parcel #24-007-112.

not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

9. All remaining net proceeds of sale shall be held by the Trustee pending resolution of the claims of Bala Jain, LLC and further order of this Court.

10. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

11. This Order may be recorded in the land records wherein the subject Property is located.

12. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

13. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: May 22 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: May 23 2024

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Tel: (202) 689-2800
Fax: (202) 689-2860
Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:


GORDON FEINBLATT LLC
1001 Fleet Street, Suite 700
Baltimore, Maryland 21202
Phone/Fax No. (410) 576-4194
E-mail: dmusgrave@gfirlaw.com

BY: /s/David S. Musgrave (by DGT with authority)
David S. Musgrave (Bar No. 35327)

Attorneys for Fulton Bank, N.A.

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

 05/20/2024
BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

David S. Musgrave
GORDON FEINBLATT LLC
1001 Fleet Street, Suite 700
Baltimore, MD 21202

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Exhibit A

Imaged Certificate of Notice Page 7 of 12

RL Title and Escrow, Inc.
1176111
8229 Boone Boulevard
Suite 610
Vienna, VA 22182
(703) 942-6464

ALTA Combined Settlement Statement

File #:	2024-041802	Property	1630 East Chocolate Avenue	Settlement Date	05/29/2024
Prepared:	05/16/2024		Hershey, PA 17033	Disbursement Date	05/29/2024
Escrow Officer:	Amir Raminpour	Buyer	Bikram Phuyel and Thakur Neopaney		
		Seller	H. Jason Gold, Bankruptcy Trustee of The Bankruptcy Estate of Eagle Properties and Investments, LLC PO Box 57359 Washington, DC 20037		
		Lender	Movement Mortgage, LLC 8024 Calvin Hall Road Indian Land, SC 29707		

Seller			Buyer	
Debit	Credit		Debit	Credit
		Financial		
	\$265,000.00	Sales Price of Property	\$265,000.00	
		Deposit		\$10,000.00
		Loan Amount		\$212,000.00
\$1,000.00		Seller Credit		\$1,000.00
		Prorations/Adjustments		
	\$130.15	Assessments 05/29/2024 to 06/30/2024	\$130.15	
	\$414.34	City/Town Taxes 05/29/2024 to 12/31/2024	\$414.34	
		Loan Charges		
		Attorney Title Examination Fee to RL Title and Escrow, Inc.	\$150.00	
\$100.00		Bringdown Title Search to Universal Settlement Services of PA		
\$60.00		Courier/Wire Fees to RL Title and Escrow, Inc.		
		CPL Fee to Fidelity National Title Insurance Company	\$125.00	
\$150.00		Deed Preparation Fee to Universal Settlement Services of PA		
\$150.00		Settlement and Closing Fee to RL Title and Escrow, Inc.	\$895.00	
		TIRBOP Endorsement 100 to Universal Settlement Services of PA	\$100.00	
		TIRBOP Endorsement 300 to Universal Settlement Services of PA	\$100.00	
		TIRBOP Endorsement 900 to Universal Settlement Services of PA	\$100.00	
		Prepaid Interest (\$41.22 per day from 05/29/2024 to 06/01/2024)	\$123.66	
		Payoff(s)		
\$141,172.08		Payoff to Fulton Bank		
		Government Recording and Transfer Charges		
		Recording Fees	\$281.50	
		---Deed: \$132.75		
		---Mortgage: \$148.75		
\$1,325.00		Local Transfer Tax (Deed) to Dauphin County Recorder of Deeds	\$1,325.00	
\$1,325.00		State Retail Transfer Tax (Deed) to Dauphin County Recorder of Deeds	\$1,325.00	
		Commission		

Seller			Buyer	
Debit	Credit		Debit	Credit
\$7,950.00		Listing Agent Commission to CENTURY 21 New Millennium		
\$6,625.00		Selling Agent Commission to Protus Realty Inc.		
		Title Charges & Escrow / Settlement Charges		
		Title Binder and Policy to RL Title and Escrow, Inc.	\$225.00	
		Title - Owner's Title Policy to Fidelity National Title Insurance Company	\$2,162.05	
		Miscellaneous		
\$716.41		2024/County twp taxes/good thru 5/31/24 to Dauphin County Treasurer		
\$3,596.97		21 & 22 Delinquent Real Estate Taxes to Dauphin County Treasurer		
\$7,950.00		326(a) Bankruptcy Estate Payment to H. Jason Gold, Bankruptcy Trustee		
\$13,250.00		Bankruptcy Estate Payment to H. Jason Gold, Bankruptcy Trustee		
\$25,000.00		Legal Fees to Gordon Feinblatt LLC		
\$37.50		Tax Cert Fee to Universal Settlement Services of PA		
Seller			Buyer	
Debit	Credit		Debit	Credit
\$210,407.96	\$265,544.49	Subtotals	\$272,456.70	\$223,000.00
		Due from Buyer		\$49,456.70
\$55,136.53		Due to Seller		
\$265,544.49	\$265,544.49	Totals	\$272,456.70	\$272,456.70

See signature addendum

Acknowledgement

We/I have carefully reviewed the Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the Settlement Statement.
We/I authorize RL Title and Escrow, Inc. to cause the funds to be disbursed in accordance with this statement.

Bikram Phuyel Date

Thakur Neopaney Date

The Bankruptcy Estate of Eagle Properties and Investments, LLC

By: _____
H. Jason Gold, Bankruptcy Trustee Date

Settlement Agent Date

In re:
Eagle Properties and Investments LLC
Debtor

Case No. 23-10566-KHK
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0422-9
Date Rcvd: May 23, 2024

User: TaiGlennB
Form ID: pdford11

Page 1 of 3
Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 25, 2024:

Recip ID	Recipient Name and Address
RE	+ Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpregion04.ax.ecf@usdoj.gov	May 24 2024 00:23:00	UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489
prof	Email/Text: stephen@realmarkets.com	May 24 2024 00:22:00	Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 20405 Exchange St, Suite 221, Ashburn, VA 20147

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 25, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 23, 2024 at the address(es) listed below:

Name	Email Address
Andrew S Goldstein	on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com
Barry W. Spear	on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com

District/off: 0422-9

User: TaiGlennB

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Date Rcvd: May 23, 2024

Form ID: pdford11

Total Noticed: 3

Bradley J. Swallow	on behalf of Defendant Main Street Bank bswallow@fblaw.com
Christian K. Vogel	on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com
Christian K. Vogel	on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com
Christopher A. Jones	on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com clano@whitefordlaw.com,dchaney@whitefordlaw.com
Christopher L. Rogan	on behalf of Defendant Shail Butani crogan@rmzlawfirm.com
Christopher L. Rogan	on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com
Christopher L. Rogan	on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com
Christopher L. Rogan	on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com
Corey Simpson Booker	on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com
Craig M. Palik	on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawye rs.com
David S. Musgrave	on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhilbun@gfrlaw.com
David S. Musgrave	on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhilbun@gfrlaw.com
Dylan G. Trache	on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com
Elizabeth Husebo	on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com
Elizabeth Husebo	on behalf of Defendant First Class Title Inc. ehusebo@grsm.com
Erik W. Fox	on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com rhurley@reesbroome.com;rchambers@reesbroome.com;pgoodwine@reesbroome.com
Gerard R. Vetter	ustpreion04.ax.ecf@usdoj.gov
H. Jason Gold	goldtrustee@fiduciaryservicesgroup.com VA19@ecfbis.com;hjc@trustesolutions.net;lgrahl@fsscommerce.com
Hannah White Hutman	on behalf of Creditor Bank of Clarke County hhutman@hooverpenrod.com scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net
J. P. McGuire Boyd, Jr	on behalf of Defendant Atlantic Union Bank mboyd@williamsmullen.com
J. P. McGuire Boyd, Jr	on behalf of Creditor Atlantic Union Bank mboyd@williamsmullen.com
J. P. McGuire Boyd, Jr	on behalf of Defendant Bank of Clarke County mboyd@williamsmullen.com
Jack Frankel	on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov USTPRegion04.ax.ecf@usdoj.gov;Robert.W.Ours@usdoj.gov
James R. Meizanis, Jr.	on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com
Jeffery T. Martin, Jr.	on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroupva.com martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

District/off: 0422-9

User: TaiGlennB

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Form ID: pdford11

Total Noticed: 3

Jeffery T. Martin, Jr.

on behalf of Plaintiff Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeffery T. Martin, Jr.

on behalf of Counter-Defendant Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

Jeremy B. Root

on behalf of Creditor Virginia Partners Bank jroot@bklawva.com
tjones@bklawva.com;mnoble@bklawva.com;wcasterlinejr@bklawva.com;jmeizanis@bklawva.com

John E Reid

on behalf of Debtor Eagle Properties and Investments LLC jack@martinlawgroupva.com

John Tucker Farnum

on behalf of Interested Party SC&H Group jfarnum@milesstockbridge.com
jfarnumecfnotices@gmail.com;dbernard@milesstockbridge.com

Joshua David Stiff

on behalf of Debtor Eagle Properties and Investments LLC jstiff@wtplaw.com eslate@wtplaw.com;dchaney@whitefordlaw.com

Justin Fasano

on behalf of Creditor Gus Goldsmith jfasano@mhlawyers.com
jfasanoecf@gmail.com;jfasano@ecf.courtdrive.com;sshin@mhlawyers.com;dmoorehead@mhlawyers.com

Lee S Raphael

on behalf of Creditor Gitsit Solutions LLC ecf1@ecf.courtdrive.com, cmartin@pralc.com

Maurice Belmont VerStandig

on behalf of Professional Maurice VerStandig mac@mbvesq.com
lisa@mbvesq.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email

Nancy Greene

on behalf of Debtor Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Plaintiff Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Professional N D Greene PC ndg@ndglaw.com

Richard E. Hagerty

on behalf of Defendant Navy Federal Financial Group LLC richard.hagerty@troutmansanders.com,
sharron.fay@troutmansanders.com;natalya.diamond@troutman.com

Robert Hockenbury

on behalf of Creditor Shore United Bank robert.hockenbury@wbd-us.com

Robert M. Marino

on behalf of Defendant Shail Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Defendant Ishwer Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Creditor Bala Jain LLC rmmarino@rpb-law.com rmmarino1@aol.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel J. Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant First Class Title Inc. sbortnick@grsm.com

Stephen W. Nichols

on behalf of Creditor Orrstown Bank snichols@offitkurman.com

TOTAL: 48